

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

FILED	
DATE	NOV 17 2011
4:40	O'Clock P.M.
Sandra K Markham, CLERK	
BY:	Becky Hamilton
Deputy	

DIVISION: PTB

SANDRA K MARKHAM, CLERK

HON. WARREN R. DARROW

BY: Becky Hamilton, Deputy Clerk

CASE NO. V1300CR201080049

DATE: November 17, 2011

TITLE:

COUNSEL:

STATE OF ARIZONA

Yavapai County Attorney (e)

(For Plaintiff)

Plaintiff

VS

JAMES ARTHUR RAY

Thomas K. Kelly (e)

(For Defendant)

D-1

Luis Li/Brad Brian Truc Do/Miriam Seifter
MUNGER TOLLEST & OLSONG LLP (e)

(For Defendant Pro Hac Vice)

HEARING ON:

NATURE OF PROCEEDINGS

COURT REPORTER

Pre-Sentence

Christy Harrington

START TIME: 9:06 a.m.

APPEARANCES:

Sheila Polk, Counsel for State
Bill Hughes, Counsel for the State
Detective Ross Diskin, Case Agent
Kathy Durrer, State's Assistant
Tom Kelly, Counsel for Defendant
Luis Li, Pro Hac Vice Counsel for Defendant
Miriam Seifter, Pro Hac Vice Counsel for Defendant

At 9:06 a.m., Court convenes with the State, Defendant and Counsel present.

Court and Counsel discuss the issue of restitution.

At 9:14 a.m., Dr. Arthur Mowery enters the courtroom, is sworn and presents testimony.

The Defense examines the witness.

At 9:44 a.m., the State cross examines the witness.

At 9:53 a.m., the Defense examines the witness on redirect.

The witness is excused and exits the courtroom.

At 9:57 a.m., Dr. Sean Stephenson enters the courtroom, is sworn and presents testimony.

The Court directs all parties to return in 15 minutes.

~* ~* ~* ~* 10:12 a.m., Recess ~* ~* ~* ~*

At 10:33 a.m., Court reconvenes with all previously noted parties present. Dr. Sean Stephenson is on the witness stand.

The Defense continues examination of the witness.

At 11:07 a.m., the State cross examines the witness.

At 11:50 a.m., the witness is excused until after the lunch recess.

Court and Counsel discuss the afternoon schedule. The State and the Defense will be allowed equal time to present closing arguments.

The Court directs all parties to return after the lunch recess at 1:15 p.m.

~* ~* ~* ~* 11:55 a.m., Recess ~* ~* ~* ~*

At 1:20 p.m., Court reconvenes with all previously noted parties present.

Court and Counsel discuss the issue of restitution.

The Defendant is willing to accept the restitution amount as set forth in Exhibit 1185, in the amount of \$57,514.12.

The State is in agreement with the restitution amount as listed in Exhibit 1185 with the understanding that other victims have the right to seek restitution in the future. The State agrees to withdraw the request for investigation compensation.

The Court addresses the Defendant on the issue of restitution and determines the Defendant has had the appropriate time to discuss the matter with his Counsel and is voluntarily waiving his rights with regard to restitution.

Court and Counsel discuss the issue of the settlement agreements between the victims and the Defendant.

At 1:32 p.m., Dr. Sean Stephenson, previously sworn, presents testimony.

The Defense examines the witness on redirect.

The Defense offers an exhibit for marking.

The Defense moves to admit Exhibit 1187 into evidence. There being no objection, Exhibit 1187 is **admitted.**

The witness is excused.

At 1:43 p.m., Joyce Ray is sworn and presents testimony.

The Defense examines the witness.

At 2:08 p.m., the State cross examines the witness.

At 2:13 p.m., the Defense examines the witness on redirect.

The witness is excused.

The Defense presents a statement from the Defendant to the Court and the State.

The Court instructs all parties to return in 20 minutes.

~* ~* ~* ~* 2:16 p.m., Recess ~* ~* ~* ~*

At 2:46 p.m., Court reconvenes with all previously noted parties present.

The Court issued a written ruling on the Defendant's Motion to Strike; a copy of the ruling has been submitted to the parties.

The Defense presents an email from Loretta Brown regarding a character reference letter provided to the Defense. The Defense leaves this matter to the Court's discretion.

At 2:48 p.m., the State presents closing argument.

The Court directs all parties to return in 10 minutes.

~* ~* ~* ~* 3:35 p.m., Recess ~* ~* ~* ~*

At 3:47 p.m., Court reconvenes with all previously noted parties present.

The Defense presents closing argument.

At 4:34 p.m., The Defense concludes closing argument.

The Court directs all parties to return on November 18, 2011, at 9:00 a.m., in the Division 1 courtroom.

Court and Counsel discuss seating for the victims in Division 1.

Court adjourns at 4:36 p.m.

V1300CR201080049
STATE V JAMES ARTHUR RAY
NOVEMBER 17, 2011

cc: Gallagher & Kennedy, P.C., Counsel for the Shore Family (e)
Murphy, Schmitt, Hathaway & Wilson, PLLC, Co-Counsel for the Brown Family (e)
Stone & Magnanini, Co-Counsel for the Brown Family (e)
Aspey, Watkins & Diesel, PLLC, Counsel for the Neuman Family (e)
Steptoe & Johnson, Counsel for KPNX Broadcasting Company, Tm TV and In Session (e)
Perkins, Coie, Brown & Bain, Counsel for KTVK-TV (e)
Victim Services (e)
Court Administration
Customer Service Supervisor, Prescott Superior Court